

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

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JOHANNE ROMAIN,

Plaintiff,

CIVIL ACTION NUMBER
17-cv-3587

-against-

ADELPHI UNIVERSITY COLLEGE OF NURSING,
MAUREEN C. ROLLER, MARILYN KLAINBERG,
JOANN VICTOR-FASSMAN, DR. ANDREA MCCRINK,
PATRICIA FACQUET, PATRICK D. COONAN,

Defendant.

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DEFENDANTS' NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, defendant, Adelphi University (“Adelphi” or the “University”) (incorrectly named in this lawsuit as Adelphi University College of Nursing), defendant Maureen C. Roller, defendant Marilyn Klainberg, defendant JoAnn Victor-Fassman, defendant Dr. Andrea McCrink, defendant Patricia Facquet, and defendant Patrick D. Coonan (collectively, “Defendants”), hereby remove this action from the Supreme Court of the State of New York, County of Queens, to the United States District Court for the Eastern District of New York.

Procedural History And Plaintiff's Allegations

1. This action was commenced on or about May 18, 2017 against Defendants in the Supreme Court of the State of New York, County of Queens, entitled Johanne Romain v. Adelphi University College of Nursing, Maureen C. Roller, Marilyn Klainberg, Joann Victor-Fassman, Dr. Andrea McCrink, Patricia Facquet, Patrick D. Coonan, Index No. 5239/2017. (A copy of the Summons and Complaint is attached hereto as Exhibit A.)

2. The University was mailed, via certified mail, a copy of the Summons and Complaint on May 27, 2017. (A copy of the envelope is attached hereto as Exhibit B.)
3. The University has not yet answered the Complaint.

Grounds For Removal And Procedural Requirements

4. The Eastern District of New York is the district embracing the place where this action is now pending.
5. Upon information and belief, no other parties have been joined and served as a defendant in the above-captioned action.¹ Nonetheless, all Defendants consent to removal of this action to the Eastern District of New York.
6. True and correct copies of all process, pleadings and orders served on or mailed to the University in the action pending in the Supreme Court of the State of New York, County of Queens are attached hereto as Exhibit A.
7. At the time Plaintiff commenced this action in the State Court and at the time of removal, Adelphi was and is an educational corporation chartered by the Board of Regents of the State of New York with its principal campus located in the County of Nassau, State of New York.
8. Upon information and belief, at the time Plaintiff commenced this action in State Court and at the time of removal, Plaintiff, Johanne Romain, was and is a resident of the County of Nassau, State of New York.
9. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by the University pursuant to the provisions of 28 U.S.C. § 1441(a) and 28 U.S.C. § 1446 in that it arises under the

¹ The individual defendants are all employees of the University.

American with Disabilities Act (42 U.S.C. § 12101 et seq.) and Section 504 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. § 701 et seq.). This Court also has supplemental jurisdiction under 28 U.S.C. § 1337 of Plaintiff's alleged New York State Human Rights Law (§ 296) claim as set forth in the Complaint.

10. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure, and is filed with this Court within thirty (30) days after receipt by the University, through service or otherwise, of a copy of the Summons and Complaint in this action.
11. After filing this Notice of Removal, the University will promptly give written notice of this Notice of Removal on Plaintiff and a copy will be filed in the appropriate State Court in accordance with 28 U.S.C. § 1446(d).

Non-Waiver Of Defenses

12. In removing this action from Supreme Court of the State of New York, County of Queens, to the United States District Court for the Eastern District of New York, the Defendants do not waive any defenses that may be available to them.
13. In removing this action from Supreme Court of the State of New York, County of Queens, to the United States District Court for the Eastern District of New York, the Defendants do not admit any of the allegations in Plaintiff's Complaint.

WHEREFORE, the Defendants respectfully requests that the action now proceeding against them be removed from the Supreme Court of the State of New York, County of Queens, to the United States District Court for the Eastern District of New York.

Dated: Garden City, New York
June 14, 2017

CULLEN AND DYKMAN LLP

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